

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

FAIRFIELD SENTRY LIMITED, et al.,

Debtors in Foreign Proceedings.

FAIRFIELD SENTRY LIMITED, et al. (In Liquidation),  
acting by and through the Foreign Representatives thereof,

Plaintiffs,

v.

THEODOOR GGC AMSTERDAM, et al.,

Defendants.

This document is submitted in the following Adversary  
Proceedings:

10-03635 10-03636 10-03780 11-01258

Chapter 15 Case

Case No. 10-13164 (BRL)

(Jointly Administered)

Adv. Pro. No. 10-03496

(Administratively Consolidated)

**DECLARATION OF RAIMUND ROEHRICH**

I, Raimund Roehrich, declare as follows pursuant to 28 U.S.C. § 1746:

1. I am Head of Corporate Legal of UBS AG, which position I have held since 15 April 2015. I submit this Declaration in support of (1) UBS AG's opposition to Plaintiffs' motion for leave to amend, and (2) UBS AG's motion to dismiss, filed in connection with Adversary Proceedings Nos. 10-03635, 10-03636, 10-03780, and 11-01258 (the "UBS AG Cases"), which are currently pending before this Court. Except as otherwise expressly noted below, the statements in this Declaration are based upon my personal knowledge gained through the performance of my duties and my review of public disclosures by UBS AG in the ordinary

course of business, as well as other sources or materials that, based on my experience, I believe to be accurate and reliable.

2. I am informed by outside counsel for UBS AG that Plaintiffs' pleadings and proposed amended pleadings in the UBS AG Cases purport to assert claims against parties denominated "UBS AG New York," "UBS AG Zurich," and/or "UBS Zurich." In particular, I understand that (1) the proposed Fourth Amended Complaints in Adversary Proceedings Nos. 10-03635 and 10-03636 allege, "[u]pon information and belief," that "UBS AG New York is a corporate entity organized under the laws of New York and has as its registered address 101 Park Avenue, New York 10178," and "UBS AG Zurich is a corporate entity organized under the laws of Switzerland and has as its registered address UBS Wealth Management, Badenerstrasse 574/C, CH-8098 Zurich, Switzerland," No. 10-03635 ¶¶ 101-02; No. 10-03636 ¶¶ 109-10; (2) the proposed Fourth Amended Complaint in Adversary Proceeding No. 10-3780 alleges, "[u]pon information and belief," that UBS AG New York "is a corporate entity organized under the laws of New York and having its registered address at 101 Park Avenue, New York, New York 10178," No. 10-03780 ¶ 30; and (3) the proposed Second Amended Complaint in Adversary Proceeding No. 11-01258 alleges, "[u]pon information and belief," that "UBS Zurich is a corporate entity organized under the laws of Switzerland and has its registered address at Bahnhofstrasse 45, 8001 Zurich, Switzerland," No. 11-01258 ¶ 32. I further understand that the allegations set forth in the UBS AG Cases concern redemption payments received by the Defendants during the period between April 2004 and November 2008 (the "Relevant Period").

3. UBS AG was formed in 1998 upon the merger of Union Bank of Switzerland and Swiss Bank Corporation. At all times during the Relevant Period, UBS AG was constituted as an Aktiengesellschaft organized under Swiss company law, with registered offices in Zurich and

Basel, Switzerland. Although UBS AG maintains licensed branches in the United States, including in California, Connecticut, Florida, Illinois, and New York, at all times during the Relevant Period its principal place of business was located in Switzerland.

4. To my knowledge as an officer of UBS AG, no legal entity, as described in the complaints, by the name of "UBS AG New York" existed at any time during the Relevant Period, nor does any such entity exist today.

5. To my knowledge as an officer of UBS AG, UBS AG has never been a corporate entity organized under the laws of New York, nor has it ever maintained its principal place of business in New York.

6. To my knowledge as an officer of UBS AG, no legal entity, as described in the complaints, by the name of "UBS AG Zurich" existed at any time during the Relevant Period, nor does any such entity exist today.

7. To my knowledge as an officer of UBS AG, no legal entity, as described in the complaints, by the name of "UBS Zurich" existed at any time during the Relevant Period, nor does any such entity exist today.

I declare, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct.

Executed on January 26, 2017 in Zurich, Switzerland.



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Raimund Roehrich